

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	<u>2:06-CR-169-WKW</u>
)	
CECILLO PACACHE)	

GOVERNMENT’S MOTION FOR DOWNWARD DEPARTURE
AND CERTIFICATION OF SUBSTANTIAL ASSISTANCE
PURSUANT TO § 5K1.1, UNITED STATES SENTENCING GUIDELINES

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and files the above-captioned motion, and as reasons therefore, submits the following:

1. Defendant entered a plea of guilty under Rule 11(c)(1)(C) to Count One in the indictment charging a violation of Title 21, United States Code, Section 846.
2. Defendant agreed to cooperate with the Government in the instant cause and in subsequent investigations as necessary, and to waive his rights to appeal or collaterally attack the guilty plea or sentence.
3. The United States submits the defendant has cooperated with the United States and has abided by the terms of his plea agreement. The assistance provided by Defendant should be considered substantial.
4. The Government is satisfied that Defendant is entitled to be considered for a reduction of sentence under § 5K1.1 U.S.S.G., and Title 18, United States Code, Section 3553(e) and moves this Court to reduce the applicable offense level of Defendant by two levels.

Respectfully submitted, this the 3rd day of September, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

s/A. Clark Morris
A. CLARK MORRIS
Assistant United States Attorney
131 Clayton Street
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7135
E-mail: clark.morris@usdoj.gov
ASB-1613-N77A

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CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Phach T. Ngo.

Respectfully submitted,

s/A. Clark Morris
A. CLARK MORRIS
Assistant United States Attorney
131 Clayton Street
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7135
E-mail: clark.morris@usdoj.gov
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